

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 18-0064 MCA/KBM
CR 16-2107 MCA/KBM

TYSON SICILY ATOLE,

Defendant-Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Conclusions of Law on June 28, 2018 (*Doc. 25*)¹ in which she recommended that Tyson Sicily Atole's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 (*Doc. 17*) be denied. The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. As of today, no objections have been filed and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Proposed Findings and Conclusions of Law (*Doc. 25*) are **ADOPTED**;
2. Tyson Sicily Atole's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 (*Doc. 17*) is **DENIED**;
3. Plaintiff's claims are **DISMISSED** with prejudice; and

¹ Citations to "Doc." refer to docket numbers filed in Criminal Case No. 16-2107 MCA/KBM.

4. A Final Order pursuant to Rule 58 of the Federal Rules of Civil Procedure will be entered dismissing Plaintiff's action with prejudice.



SENIOR UNITED STATES DISTRICT JUDGE